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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,536	10/02/2001	Jeffrey S. Weaver	10006353-1	7642

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

BOAKYE, ALEXANDER O

ART UNIT	PAPER NUMBER
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2667

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DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/981,536

Applicant(s)

WEAVER, JEFFREY S.

Examiner

ALEXANDER BOAKYE

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-22 is/are allowed.
- 6) ☒ Claim(s) 1, 11 and 12 is/are rejected.
- 7) ☒ Claim(s) 2-10 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Barghouti et al. (US Patent # 6,535,521).

Regarding claim 1, Barghouti teaches a method of triggering production of comfort noise during a telephone call over an IP network, the IP network including a transmitting computer for transmitting a voice signal generated by a telephone and a receiving computer for receiving the voice signal (column 6, line 56-column 7, lines 1-10 ; the claimed transmitting computer corresponds to front-end module controller block 120 of Fig. 4, while the receiving computer reads on the back-end module controller 143 of Fig. 4 ) the method comprising: detecting a silent period in a voice signal at the transmitting computer (column 3, lines 57-59; column 8, lines 47-53 ); sending a triggering packet from the transmitting computer to the receiving computer (column 8, lines 24-31; see Fig. 6); receiving the triggering packet at the receiving computer

(column 8, lines 24-31); and generating comfort noise at the receiving computer in response to the receiving the triggering packet (column 7, lines 1-5 ).

Regarding claim 11, Barghouti teaches a method of producing comfort noise during conversational pauses in the course of a telephone call over an IP network, the IP network including a transmitting computer for transmitting a voice signal generated by a telephone and a receiving computer for receiving the voice signal (column 6, line 56-column 7, lines 1-10) the method comprising: detecting a conversational pause at the transmitting computer (column 3, lines 57-59); stopping the transmission of voice data packets during the pause (column 7, lines 11-20); and transmitting a message to the receiving computer directing the receiving computer to produce comfort noise for a user of a telephone connected to the receiving computer (column 6, line 56-column 7, lines 1-10).

Regarding claim 12, Barghouti teaches that transmitting a message to the receiving computer includes sending a data packet to the receiving computer (column 8, lines 24-31).

***Allowable Subject Matter***

2. Claims 2-10, 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 14-15 and 16-22 are allowable.

The following is a statement of reasons for the indication of allowable subject matter: As to claims 14,15, the prior art of record does not teach sending a triggering

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packet from the transmitting computer to the receiving computer to trigger the receiving computer to generate comfort noise for a first predetermined period of time; waiting a second predetermined period of time; and if no voice signal is detected by the transmitting computer during the second predetermined period of time, repeating the sending and waiting steps. As to claims 16-22, the prior art of record does not teach a transmitting computer configured to be connected to a first telephone and to the IP network; and a receiving computer configured to be connected to a second telephone and to the IP network; wherein the transmitting computer is configured to detect a pause in a voice signal from the first telephone and to transmit a triggering packet to the receiving computer upon detection of the pause; and wherein the receiving computer is configured to receive the triggering packet and, upon receipt of the triggering packet, to generate a comfort noise for a listener on the second telephone. .

#### Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Boakye whose telephone number is (703) 308-9554. The examiner can normally be reached on M-F from 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (703) 305-4378. The fax number is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-4750.

Alexander Boakye

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Patent Examiner

AR

5/14/04



CHI PHAM  
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